

10 - 28 - 07

**PATENT****Attorney Docket No.: 678-756 (P9786)****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANTS:** SHINICHI, Haruyuma.      **GROUP ART UNIT:** 2614  
**SERIAL NO.:** 10/037,194      **EXAMINER:** Alexander JAMAL  
**FILED:** November 9, 2001      **DATED:** October 29, 2007  
**FOR:** **PORTABLE COMMUNICATION TERMINAL WITH REDUCED  
SPECIFIC ABSORPTION RATE**

Mail Stop  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313,1450  
**Attention:** Refund Section, Accounting Division, Office of Finance

**REQUEST FOR REFUND**

Sir:

**I. REFUND REQUEST**

This is a request for a refund with respect to a payment for second month extension of time incurred because of a delay that is believe to have been caused by the U.S. Patent and Trademark Office with respect to the above-identified application

### **III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

An Office Action marked "Final" by the Examiner was mailed on May 21, 2007. On August 20, 2007 a Response to the Office Action was filed, and received by the U.S. Patent and Trademark Office (the Office) on August 22, 2007 as evidenced by the return postcard attached hereto.

An Advisory Action finally issued on September 26, 2007. A period of over one month elapsed between the filing of the August 2007 Response and the issuance of the September 2007 Advisory Action.

The Advisory Action was responded to by filing a Request for Continued Examination on October 22, 2007 along with a two month Extension of Time, and the filing fees required therefor.

It is respectfully submitted that if not for the delay of the Patent Office, the fees associated with the second month Extension of Time of \$340.00 would not have been incurred by the applicant.

The delay was directly caused by the Office, and in turn caused the Applicant to incur the costs associated with the second month extension of time, namely \$340.00, which is the difference between the one month extension fee and the two month extension fee.

Due to the delay of the issuance of the Advisory Action by the U.S. Patent and Trademark Office, a payment of the second month extension of time for a total of \$340.00 was required.

**II. FEES CHARGED FOR WHICH REFUND REQUESTED**

**AMOUNT OF REFUND REQUESTED**

- ☐ filing fee
- ☐ surcharge for filing the basic filing fee  
on a date later than the filing date of the  
application (37 C.F.R. §1.16(e))
- and/or**
- ☐ surcharge for filing the oath or declaration  
on a date later than the filing date of the  
application (37 C.F.R. §1.16(e))
- ☐ extension of term
- ☐ first month
- ☒ second month \$ 340.00
- ☐ third month
- ☐ fourth month
- ☐ excess claims
- ☐ issue fee
- ☐ petition fee
- ☐ patent maintenance fee
- ☐ first maintenance fee
- ☐ second maintenance fee
- ☐ third maintenance fee
- ☐ patent maintenance fee surcharge
- ☐ other

**TOTAL REFUND REQUESTED \$ 340.00**

**IV. MANNER OF REFUND**

Please make refund by

☒ crediting Deposit Account No. 50-4053.

☐ refunding payment.

Respectfully requested,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

Dated: October 29, 2007

**THE FARRELL LAW FIRM**  
333 Earle Ovington Blvd., Suite 701  
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(516) 228-3565 (tel)  
(516) 228-8475 (fax)  
PJF/dr

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Amendment Transmittal (in duplicate)
2. Amendment
3. Revocation of Power of Attorney
4. Statement Under 37 CFR 3.73(b)
5. Return Postcard

All Under Certificate of Mailing

Applicant: SHINICHI, Haruyuma  
For: PORTABLE COMMUNICATION TERMINAL WITH REDUCED  
SPECIFIC ABSORPTION RATE

Filed: November 9, 2001  
Serial No.: 10/037,194  
Docket: 678-756  
Date Sent: August 20, 2007  
PJF/TCS/dr

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

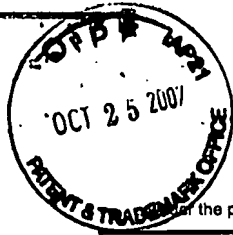
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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>FY 2006</b> <small>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</small>		Docket Number (Optional) <b>678-756 (P9786)</b>
Application Number 10/037,194		Filed November 9, 2001
For <b>PORTABLE COMMUNICATION TERMINAL WITH REDUCED SPECIFIC ABSORPTION RATE</b>		
Art Unit 2614		Examiner <b>Alexander JAMAL</b>

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$460	\$230	\$ <u>460.00</u>
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1050	\$525	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1630	\$815	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2220	\$1110	\$ _____

- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-4053. I have enclosed a duplicate copy of this sheet.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- I am the ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71(c); 1251  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).
- ☒ attorney or agent of record. Registration Number 33,494
- ☐ attorney or agent under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Paul J. Farrell 10-22-07  
Signature Date  
**Paul J. Farrell** (516) 228-3565  
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representatives, as required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 2 forms are submitted.

**CERTIFICATION UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 22, 2007

Frances Lepre  
Frances Lepre

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01 FC:1252 460.00 OP